REMARKS

Applicants thank Examiner for thorough examination and analysis of the pending claims and the detailed explanation of Examiner's bases for rejecting the claims. The level of analysis has greatly assisted Applicants in providing the following response, wherein Applicants attempt to address and traverse each of Examiner's rejections.

Claims 1 – 54 are pending in this application and have been rejected. Claims 1, 35, 37, 42, and 50-51 have been amended. Claim 54 is newly added. No new matter has been added by the amendments to the claims. The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the following remarks.

Rejections under 35 U.S.C. §112

Claim 1 was rejected under 35 U.S.C. §112 due to an informality that has been corrected (i.e. by changing "local port" to "inward port" to provide antecedent basis).

Rejections under 35 U.S.C. §103(a)

Claims 1 – 4, 6 – 49, and 52 – 53 were rejected under 35 U.S.C. §103 as being unpatentable over U.S Patent No. 6,944,555 (Blackett) in view of U.S Patent No. 7,124,397 (Mathur). Applicants respectfully traverse on the following grounds.

Neither Blackett nor Mathur Teach a "plurality of hierarchy levels"

Claim 1 recites an "electric power network having a plurality of hierarchy levels." Examiner has acknowledged that Blackett fails to teach this limitation (See Office Action at p. 6), but asserts that Mathur teaches this limitation. Examiner asserts that Mathur discloses a

power network having a plurality of hierarchy levels in Figure 1 and specifically elements 12, 30, 50, 70, and 100. Mathur teaches, however, that the elements illustrated in Figure 1 are not, in fact, an electric power network having a plurality of hierarchy levels, but rather illustrate "a known power management control system 10 divided in functional layers" (Col. 2, lines 50 – 51).

By way of illustration and not by way of definition, Applicants' Figure 1 provides an illustration of one embodiment of an electric power network having a plurality of hierarchy levels, such as high voltage transmission network 12, medium voltage distribution network 14, low voltage distribution network 16, etc.

By contrast, the functional layers of Mathur relied upon by Examiner are described as a "human interface layer" 12, an "application layer" 30, and so forth. One skilled in the art would not interpret these functional layers of a power management control system to be levels in the hierarchy of an electric power network. In fact, Mathur arguably teaches, at best, a flat non-hierarchical network in Figure 1 by showing only a single "meter and protection devices layer 100" (Mathur Figure 1, Col. 3, lines 20 – 21).

Because neither Blackett nor Mathur teach or suggest a power network having a "plurality of hierarchy levels," claim 1 is patentable over this combination.

The references do not teach a node element including a proxy

Additionally, Claim 1 recites "wherein the node element includes a proxy having a universal format interface that makes available a local control interface of a first local load device available and that allows remote control of the first local load device, through the universal format interface, using a universal format different from a local control process of the first load device" (emphasis added).

Examiner has asserted that Mathur teaches "IEDs {which are node elements and load devices}" (Office Action at p. 2). Assuming for the sake of argument that Mathur's IEDs are "node elements" as recited by claim 1, then Mathur fails to teach that the node element (i.e. the IED) "includes a proxy having a universal format interface" as required by claim 1.

Rather, Examiner has asserted that Mathur discloses a "universal interface" at Column 3, lines 13 – 20. This cited portion of Mathur does not describe the asserted node element (i.e. the IEDs), but rather describes a centralized "interface layer 70" separate from the node element. Examiner has nowhere identified, and Applicants are unaware of, any teaching in Mathur that the IED (the asserted node element) includes a proxy having a universal format interface that allows for local control and remote control as recited in claim 1.

It would not be obvious to modify Mathur to include the proxy into the IEDs because Mathur is directed to and motivated toward "central control" of the power system See, e.g., Mathur at Col. 1, lines 15 – 20 ("This invention relates generally to . . . a power management control system in which . . . devices are . . . controlled by a computer through a common bus," emphasis added), Mathur at Col. 1, lines 43 – 45 ("In another aspect a power control management system is provides which includes a control computer"), Mathur at Figure 1 (showing centralized control in the applications layer 30). Given Mathur's teaching of centralized control using a centralized interface, one skilled in the art would be motivated away from the invention of claim 1 wherein a universal interface can be distributed across a network using one or more node elements.

Because neither Blackett nor Mathur, alone or in combination, teaches a node element including a proxy having a universal format interface or teach a power network having a plurality

of hierarchy levels, claim 1 is patentably distinct over the references. Claims 2 – 4, 6 – 17, and 51 – 52 are likewise allowable by virtue of their respective dependence from claim 1 and their respective further defining limitations.

Claim 18 recites a node element "having an embedded proxy component" configured to propagate an appliance control interface through a global port. Examiner has conceded that Blackett fails to teach this limitation, but has argued that Mathur teaches, at Col. 3, lines 13 – 20, a "universal relay device" (Office Action at p. 12). Assuming for the sake of argument that Mathur teaches a universal relay device at Col. 3, lines 13 – 20, this teaching relates to a communications layer 70 that is not embedded within a node element, such as Mathur's IEDs, which Examiner has asserted are node elements. Because Mathur embeds the asserted proxy component in a centralized communications layer, rather than in the node element, Mathur fails to teach, and in fact teaches away from, the recited claim element of node element having an "embedded proxy component." It would not be obvious to modify Mathur to provide for a node element having an embedded proxy component because Mathur is directed toward a centralized control system, rather than a distributed control system, as addressed above with regard to claim 1.

Because neither Blackett nor Mathur, alone or in combination, teaches a node element "having an embedded proxy component" configured to propagate an appliance control interface through a global port as recited, claim 18 is patentably distinct over the references. Claims 19 – 34 are also patentable by virtue of their respective dependence from claim 18 as well as their respective further defining claim limitations.

Claim 35 recites "a plurality of devices" and "providing each of the devices with an embedded proxy having a universal format interface." Examiner has acknowledged that Blackett does not disclose this element, but has asserted Mathur teaches this element at Col. 3, lines 13 – 20. As addressed above, Mathur teaches the antithesis of an embedding a proxy in a plurality of network devices. Rather, Mathur teaches (as asserted by Examiner) a centralized device (communications layer 70) wherein the asserted proxy is found. Assuming for the sake of argument this is what Mathur teaches, it nonetheless fails to teach or even suggested a plurality of devices on the network having an embedded proxy, as does Blackett.

Because neither Blackett nor Mathur, alone or in combination, teaches "a plurality of devices" and "providing each of the devices with an embedded proxy having a universal format interface," claim 35 is patentably distinct over the references. Claims 36 – 41 are also patentable by virtue of their respective dependence from claim 35 as well as their respective further defining claim limitations.

Claim 42 recites a "node element apparatus" that "includes an embedded proxy component having a universal format interface." As has been addressed above, Examiner has asserted that Mathur's IEDs are node elements (Office Action at p. 2) and has asserted that Mathur discloses a proxy at Col. 3, lines 13 – 20. For reasons analogous to those provided above with respect to claim 18, Mathur fails to teach or even suggest that the asserted proxy is embedded in a node element apparatus. In fact, as addressed above, Mathur teaches away from such an architecture.

Because Blackett and Mathur, alone or in combination, fail to teach or suggest every limitation of claim 42, the claim is patentably distinct over the references. Claims 43 – 48 are

likewise patentable over the references by virtue of their respective dependence from claim 42 as well as their respective further defining claim limitations.

Claim 5 was rejected over Blackett and Mathur in view of 2002/0111755 (Valadarsky). Claim 5 depends from claim 1 and includes all the limitations thereof. Valadarsky provides no teaching to overcome the shortcomings of Blackett and Mathur addressed above with respect to claim 1, and hence claim 5 is patentable over the combination of Blackett, Mathur and Valadarsky for the same reasons as provided above with regard to claim 1, as well as for its further defining limitations.

Claim 49 was rejected over Blackett and Mathur in view of 6,640,890 (Dage). Claim 49 depends from claim 42 and includes all the limitations thereof. Dage provides no teaching to overcome the shortcomings of Blackett and Mathur addressed above with respect to claim 42, and hence claim 49 is patentable over the combination of Blackett, Mathur, and Dage for the same reasons as provided above with regard to claim 42, as well as for its further defining limitations.

Claims 50 and 51 were rejected over Blackett and Mathur in view of Newsbytes Inc., "The 'Smart House' is Here" (Newsbytes). Claims 50 and 51 depend from claim 42 and include all the limitations thereof. Newsbytes provides no teaching to overcome the shortcomings of Blackett and Mathur addressed above with respect to claim 42, and hence claims 50 and 51 are patentable over the combination of Blackett, Mathur and Valadarsky for the same reasons as provided above with regard to claim 1, as well as for their respective further defining limitations.

Conclusion

In view of the foregoing amendments and remarks, the Applicants now see all of the claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance therefor.

The Applicants request that the Examiner telephone the undersigned attorney of record at (972) 732-1001 if such would further expedite the prosecution of the present application. This filing is accompanied by a Request for Continued Examination and the fees appurtenant thereto and a petition for a three month extension of time and the fees appurtenant thereto. No other fee is believed due. However, should one be deemed due or in the event the enclosed fees are insufficient, the Commissioner is hereby authorized to charge any additional fees, or credit any overpayments, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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